



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

September 1, 2016

Waiver 16-08-020

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Yvonne Garcia is the Program Specialist II/Coordinator for the In-Home Aide Services (IHAS) program at the division of Aging and Disability Services (ADS) at the Department of Health and Human Services (DHHS). She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she can be employed by as a Perinatal Tour Guide with Holy Cross Hospital, an entity that contracts with DHHS.

DHHS has several contracts with Holy Cross Hospital for various services. Ms. Garcia's outside employment with Holy Cross is not funded by nor has any relationship to the contracts DHHS has with the hospital, and her employment with DHHS as a Program Specialist II/Coordinator for the In-Home Aide Services program has no relation to the contracts the County has with Holy Cross.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Ms. Garcia not referring, in her County capacity, DHHS clients to Holy Cross Hospital and on Ms. Garcia not working, while at Holy Cross Hospital, with any clients of her program at DHHS.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Garcia.

For the Commission:

Steven Rosen, Chair

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